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October 8, 2002

FILE: 4050.001100

CERTIFICATE OF MAILING
37 C.F.R. § 1.8

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Shelley P.M. Fussey

Assistant Commissioner for Patents
Washington, DC 20231

RE: *U.S. Patent Application Serial No. 09/787,840; Entitled: "Auxiliary for Amide Bond Formation"; by Smythe et al.; Client Ref. VS:MB:FP14223*

Sir:

Enclosed for filing in the above-referenced patent application is a Supplemental Information Disclosure Statement, PTO-Form 1449 and copies of References A2, B2 and C7-C11.

No fees are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to the enclosed materials, the Assistant Commissioner is hereby authorized to deduct said fees from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/4050.001100.

WILLIAMS, MORGAN & AMERSON, P.C.

Assistant Commissioner for Patents

October 8, 2002

Page 2

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Respectfully submitted,



Shelley P. M. Fussey, Ph.D.

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Reg. No. 39,458

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mark Leslie Smythe and Wim Denis Frans
Meutermans

Group Art Unit: 1642

Serial No.: 09/787,840

Examiner: Unknown

Filed: March 22, 2001

Atty. Dkt. No.: 4050.001100

For: Auxiliary for Amide Bond Formation

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record in the present case. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R §§ 1.97(g),(h), this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The present Supplemental Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is timely filed in accordance with 37 C.F.R. § 1.97(b). Therefore, no fees should be required. Even if an Official Action had been issued in the last few days, no fees would be required in light of the following information.

In accordance with 37 C.F.R. § 1.97(e)(1), Applicants hereby certify that each item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the present statement. This is evidenced by the date on the enclosed and listed Partial Supplementary European Search Report.

In accordance with 37 C.F.R. § 1.98 (a)(3), a concise explanation of the relevance of one of the submitted articles, Reference B2, as it is presently understood, is supplied. The statement submitted herewith is taken from the abstract issued by Derwents World Patent Index, as presented in file 351 on the Dialog Information System.

Reference B2:

Production of aspartame (i.e. L-aspartyl-L-phenylalanine methyl ester, (I)), by protecting the free amino gp. of aspartic acid and forming the internal anhydride to activate the free carboxy gp.; the protected internal anhydride is then reacted with phenylalanine methyl ester and the amine gp. deprotected to yield (I). The present process is characterised in that the aspartic acid is protected by formation of a Schiff's base, by reaction of the aspartic acid, its alkaline salts or its tertiary amine salts, with a R1, R2 subst.-2-RCO-phenol (Cpd.A) (where R is H or lower alkyl, pref methyl and R1, R2 independently are H, halo or nitro or together form an aromatic ring). Sweetening agent. The present preparation yields high proportions of the preferred alpha isomer (the ratio of alpha to beta isomer being 3/1 to 5/1) and does not necessitate isolation of the intermediate cpds.

Applicants' submission of the abstract alone, along with identifying the source of the document, is motivated solely by the high cost of obtaining a translation of the full length document, and should in no way be interpreted as a failure to comply with the duty of disclosure or an intent to deceive the Examiner.

No fees should be due in connection with the filing of this Supplemental Information Disclosure Statement. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Examiner should contact the undersigned representative to discuss deduction from Williams, Morgan & Amerson Deposit Account No. 50-0786/4050.001100.

Respectfully submitted,



Shelley P.M. Fussey
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Date: October 8, 2002

Form PTO-1449 (modified)

Atty. Docket No.
4050.001100Serial No.
09/787,840

List of Patents and Publications for Applicant's

Applicant
Smythe and Meutermans

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Filing Date:
March 22, 2001Group:
1642U.S. Patent Documents
*See Page 1*Foreign Patent Documents
*See Page 1*Other Art
See Page 1

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U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A2	3,704,246	November 28, 1972	Bodanszky	260	333	

Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B2	EP 0 091 330	October 12, 1983	EPO			Abstract

Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C7	Hyde <i>et al.</i> , "Some 'Difficult Sequences' Made Easy: A Study of Interchain Association in Solid-Phase Peptide Synthesis," <i>Int. J. Peptide Protein Res.</i> , 43(5):431-440, 1994.
	C8	Johnson <i>et al.</i> , "N,O-bisFmoc Derivatives of N-(2-Hydroxy-4-Methoxybenzyl)-Amino Acids: Useful Intermediates in Peptide Synthesis," <i>J. Peptide Sci.</i> , 1:11-25, 1995.
	C9	Kemp <i>et al.</i> , "Intramolecular O,N-Acyl Transfer via Cyclic Intermediates of Nine and Twelve Members. Models for Extension of the Amine Capture Strategy for Peptide Synthesis," <i>J. Org. Chem.</i> , 46:490-498, 1981.
	C10	Pashayan <i>et al.</i> , "Photorearrangement of Ortho-Nitrobenzaldehyde and its Derivatives," Translated from <i>Kimiya Vysokikh Energii</i> , 10(2):155-160, March-April, 1976. Original article submitted March 3, 1975.
	C11	Partial Supplementary European Search Report for European Counterpart Application No. 99950390.7, mailed September 12, 2002.

EXAMINER:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.